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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARY JENNINGS HEGAR, JENNIFER
HUNT, ALEXANDRA ZOE BEDELL,
COLLEEN FARRELL, AND SERVICE
WOMEN'S ACTION NETWORK,

Plaintiffs,

vs.

ASHTON B. CARTER, Secretary of Defense,

Defendant.

Case No. 12-CV-06005 EMC

**STIPULATED REQUEST AND
[PROPOSED] ORDER FOR
CONTINUANCE OF FURTHER CMC and
UPDATED CMC STATEMENT**

Judge: Hon. Edward M. Chen

Case Management Conference: Mar. 10, 2016
Time: 10:30 a.m.

1 Plaintiffs Mary Jennings Hegar, Jennifer Hunt, Alexandra Zoe Bedell, Colleen Farrell and
2 Service Women's Action Network and Defendant Ashton B. Carter, Secretary of Defense
3 ("Secretary") (collectively, "the parties"), by and through their respective counsel, submit this
4 Stipulated Request and Proposed Order for a continuance of the deadline for the parties' updated
5 joint Case Management Conference (CMC) Statement to April 17, 2016, and further CMC to
6 April 24, 2016. The joint CMC Statement is currently due March 3, 2016, and the further CMC is
7 currently scheduled for March 10, 2016. The parties submit that the following facts and
8 circumstances set forth in the attached Declaration of counsel for Defendant Caroline Lewis
9 Wolverton establish good cause for the requested continuance as follows:

10 1. On November 20, 2015, the Court scheduled a further CMC in this matter for February
11 18, 2016. ECF No. 67. The Court directed that, for the further CMC, Defendant should provide
12 specific information as to the nature and status of accession, training and assignment policies. On
13 February 9, 2016, based on a stipulated request for continuance made by Defendant's counsel, the
14 Court rescheduled the further CMC to March 10, 2015. ECF No. 72.

15 2. On December 3, 2015, the Secretary of Defense announced his "determin[ation] that no
16 exceptions are warranted to the full implementation of the rescission of the '1994 Direct Combat
17 Definition and Assignment Rule'" and that "[a]nyone, who can meet operationally relevant and
18 gender neutral standards, regardless of gender, should have the opportunity to serve in any
19 position." See <http://www.defense.gov/Portals/1/Documents/pubs/OSD014303-15.pdf>. The
20 Secretary further directed the Secretaries of the Military Departments and the Chiefs of the
21 Military Services to submit final, detailed implementation plans for the opening of all military
22 occupational specialties, career fields, and branches for accession by women for approval no later
23 than January 1, 2016, and to begin to execute their approved plans as soon as practicable but no
24 later than April 1, 2016. *Id.* The Services and Special Operations Command have all submitted
25 their implementation plans for the Secretary's review and approval. Defendant expects that once
26 approved, the implementation plans will be made publicly available.

1 3. Defendant's counsel denied Plaintiffs' request for copies of the implementation
2 plans submitted by the Services and Special Operations Command. Defendant's position is that
3 prior to approval by the Secretary the plans are deliberative, subject to revision, and for those
4 reasons not releasable.

5 4. In the course of preparing for the further CMC, it became apparent to Defendant
6 that "specific information as to the nature and status of accession, training and assignment
7 policies" referenced in the Court's November 20, 2015 Minute Order will likely be set forth in the
8 implementation plans and thus available after April 1, 2016, the date by which it is expected that
9 approved implementation plans will be available publicly.

10 5. Accordingly, Defendant expects he will be able to provide more information about the
11 nature and status of accession, training and assignment policies if the CMC and Updated Joint
12 CMC Statement deadline are continued until after April 1, 2016. Plaintiffs do not oppose
13 Defendants' request for a continuance of the March 10, 2016 CMC, but Plaintiffs remain
14 concerned and frustrated by the continuing delays, both in the implementation process and in the
15 provision of the "specific information as to the nature and status of accession, training and
16 assignment policies" referenced in the Court's November 20, 2015 Minute Order. These
17 continued delays only reinforce Plaintiffs' concern that, as stated in our November 13, 2015 CMC
18 statement, it will be years from now before we see *actual* implementation of the Secretary's
19 January 24, 2013 decision to rescind the ban on women in combat positions, which was
20 supposedly "effective immediately." Plaintiffs nevertheless recognize that a CMC at this time
21 may not serve any meaningful purpose. For that reason, and because Defendant expects to be able
22 to provide the approved implementation plans for the Services and Special Operations Command
23 to Plaintiffs shortly after April 1, 2016, Plaintiffs agree that it would be appropriate to continue the
24 CMC to April 24.

25 6. Defendant disagrees with Plaintiffs' suggestion that the time during which the Secretary
26 is reviewing the implementation plans represents delay in the process of integrating previously
27 closed positions and MOSs. As the Secretary explained in his December 3, 2015 Memorandum,
28 the plans are part of "the continuation of a deliberate, methodical, evidence-based, and iterative

process that ensures combat effectiveness and protects the welfare of the force.” *See* <http://www.defense.gov/Portals/1/Documents/pubs/OSD014303-15.pdf>. The Court should reject attempts by Plaintiffs to pressure the Secretary to rush the integration process at the risk of jeopardizing its success.

7. In light of the foregoing, the parties respectfully request that the Court continue the further CMC to April 21, 2016, or any date convenient for the Court thereafter except between April 22-29, and the parties’ updated joint CMC Statement to seven (7) days before the date set for the CMC.

DATED: March 3, 2016

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/s/ Caroline Lewis Wolverton
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DATED: March 3, 2016

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5 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

6 I, Caroline Lewis Wolverson, am the ECF User whose identification and password are
7 being used to file this Stipulated Request and [Proposed] Order for Continuance of Further Case
8 Management Conference and Updated Case Management Statement. In compliance with General
9 Order 45.X.B, I hereby attest that all signatories have concurred in this filing.
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11 /s/ Caroline Lewis Wolverson
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[~~PROPOSED~~] ORDER

Pursuant to the stipulated request, and based on good cause shown, it is hereby

ORDERED that the Stipulated Request for Continuance of Further Case Management Conference and Updated Case Management Statement is hereby GRANTED; and it is further

ORDERED that the Further Case Management Conference is hereby CONTINUED to ²⁸ April ~~24~~, 2016; and it is further

ORDERED that the deadline for the parties' Updated Joint CMC Statement is CONTINUED to ~~April 17, 2016.~~ May 5, 2016 at 10:30 a.m.

Dated: _____

